

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA <i>ex rel.</i>	§	
DAVID R. VAVRA and JERRY HYATT	§	
	§	
Plaintiffs,	§	CIVIL NO. 1:04CV42
	§	
v.	§	
	§	JUDGE MARCIA A. CRONE
KELLOGG BROWN & ROOT, INC.	§	
	§	
Defendant.	§	

**JOINT MOTION TO DISMISS WITH PREJUDICE PURSUANT
TO RULE 41(a)(2) AND FOR ENTRY OF FINAL JUDGMENT**

The Court in its Order of February 8, 2011 dismissed Counts IV (Unjust Enrichment) and V (Payment by Mistake) with prejudice; and Counts I (False Claims Act) and II (Anti-Kickback Act) without prejudice. The United States of America, by its undersigned attorneys, and the Relators David R. Vavra and Jerry Hyatt, by their undersigned counsel hereby move, pursuant to FED. R. CIV. P. 41(a)(2), for an order dismissing the remaining count of the Complaint, Count III (Breach of Contract) with prejudice, and converting the dismissal of Counts I and II to a dismissal with prejudice. Defendant Kellogg Brown & Root, Inc. has no objection to this motion.

The United States and the Relators also move for entry of final judgment as to all parties and all claims.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2012, a copy of the foregoing *Joint Motion to Dismiss with Prejudice Pursuant to Rule 41(a)(2) and for Entry of Final Judgment* will be sent via the Court's electronic filing system to defendant's counsel of record.

/s/ Michael W. Lockhart
MICHAEL W. LOCKHART
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